

June 12, 2009

Via Email and Facsimile

Office of the City Attorney
Roger A. Lubovich, City Attorney

Tel 360-473-2345
Fax 360-473-5161
345 6th Street, Suite 600
Bremerton, WA 98337-1873

Ms. Charmaine Clark (fax 360-692-1610)
LAW OFFICE OF CHARMAINE L. CLARK, PLLC
9226 Bayshore Drive NW, Suite 240
Silverdale, WA 98383

Mr. Alan S. Middleton (fax 206-757-7103)
Davis Wright Tremaine LLP
1201 Third Avenue, Ste 2200
Seattle, WA 98101-3045

Re: *Bremerton v. Sesko*
Kitsap Superior Court Nos. 07-2-01698-0 and 97-2-01748-5

Dear Ms. Clark and Mr. Middleton:

On May 7, 2009, Mr. Middleton informed me that he was no longer representing Ms. Sesko and that Ms. Clark would be representing her. On May 13, 2009 Ms. Clark emailed me confirming that she was representing Ms. Sesko and requesting a continuance of the May 15, 2009 depositions set in the above-referenced cases. To date I have not received a Notice of Withdrawal and Substitution. In fact, aside from the May 13 email from Ms. Clark, I have not received any correspondence whatsoever from her, despite my repeated attempts to contact her via email and telephone.

As a courtesy, I agreed to continue the May 15 depositions and proposed dates for the continuation of the depositions. Among the dates I proposed was June 15, 2009, which was over a month after Ms. Clark had confirmed that she was representing Ms. Sesko. Neither Mr. Middleton (who is still counsel of record) nor Ms. Clark objected to any of the dates proposed, so I set the depositions for June 15.

Since Ms. Clark has refused to return any of my emails or telephone calls, I am concerned that Ms. Sesko may not appear at the deposition on June 15. I called Ms. Clark's office yesterday and again this morning and left voice mail messages informing her that since she has not objected to the depositions set for June 15, I am going forward with the depositions. I have retained a court reporter for the depositions on June 15. If Ms. Sesko does not appear for her deposition on June 15, I will call Ms. Clark and Mr. Middleton for a CR 26(i) conference on June 16 at 9:00 a.m. to discuss payment of the court reporter's appearance fee and any other costs associated with Ms. Sesko's failure to appear.

Sincerely,

BREMERTON-000728

Mark E. Koontz
Assistant City Attorney